

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

SEP 16 2019

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRED LEWIS CUTSINGER,

Defendant.

CR 19-16-BLG-DLC

ORDER

WHEREAS, in the indictment in the above case, the United States sought forfeiture of any property of the above-captioned person, pursuant to 21 U.S.C. § 853, as property used or intended to be used to facilitate the violation alleged in the indictment, or as proceeds of said violations;

AND WHEREAS, on August 8, 2019, Fred Lewis Cutsinger, entered plea of guilty to count II of the indictment charging possession with intent to distribute methamphetamine;

AND WHEREAS, the defendant does not contest the forfeiture allegation and agrees to forfeit a 2004 Chevrolet Silverado K2500 truck bearing Montana license CES479, VIN# 1GCHK231X4F118699;

AND WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

ACCORDINGLY, IT IS ORDERED:

1. That based upon the plea of guilty by Fred Lewis Cutsinger to count II contained in the indictment, the United States is authorized and ordered to seize the following property. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- a 2004 Chevrolet Silverado K2500 truck being Montana license CES479, VIN# 1GCHK231X4F118699.

2. That the aforementioned forfeited property is to be held by the United States in its secure custody and control.

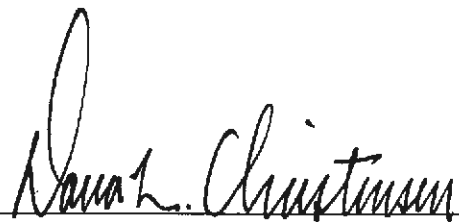
3. That, pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 16th day of September, 2019.



Dana L. Christensen, Chief District Judge
United States District Court